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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,721	04/26/2001	Juha Tiihonen	PM277182	7520
909	7590	02/21/2006	EXAMINER	
PILLSBURY WINTHROP SHAW PITTMAN, LLP			LEE, CHI HO A	
P.O. BOX 10500			ART UNIT	
MCLEAN, VA 22102			PAPER NUMBER	
			2663	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/762,721	<b>Applicant(s)</b> TIIHONEN ET AL.	
	<b>Examiner</b> Andrew Lee	<b>Art Unit</b> 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 13 and 14 are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**ANDREW C. LEE**  
**PRIMARY PATENT EXAMINER**

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 10, 11, 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Andresen U.S. Patent Number 6,073,020.

Re Claims 1, 11, fig. 2 teaches the method of handling off at the CU (at least one of the parties) wherein the CU monitors if a need to change for the system time (the timer value) has arisen wherein at step 202 computes a new system time (a value deviating from the initial value wherein the need to change the system time is repeated until the Time to Handoff is reached at step 206 (See col. 5, lines 3-58).

Re Claim 4, refer to Claim 1, wherein the system time (setting of the timer value) is based on the propagation delay measurement associated with the connection section.

Re Claim 10, refer to Claim 1, wherein the system time is inherently on the basis of the location of the mobile station because the system time is adjusted in the handoff region.

Re Claim 12, refer to Claim 1, wherein the using function of claim 11 in a MSC is an intent of use statement.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andresen U.S. Patent Number 6,073,020 in view of Haartsen U.S. Patent Number 6,021,124.

Re Claims 5-7, Andresen fails to "...transmitting... a frame... sends an acknowledgement ...frame measuring the time ... arrival of the acknowledgement and deducing the propagation delay therefrom."

However, Haartsen teaches in fig. 3, a Source 16 (party transmitting a frame) transmitting a data packet (a frame) to the destination 18 (the party receiving) whereby the destination 18 transmits an acknowledgement back to the source whereby the source computes the Round trip delay (RTD) (See col. 2, lines 23-34), wherein the RTD is indicative of the propagation delay. One skilled in the art would have motivated by Haartsen to measure the RTD to monitor for data throughput, i.e., longer the RTD, less throughput. Therefore, it would have been obvious to one ordinary skilled to combine the teaching of Haartsen into the teaching of Andresen.

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5. Claims 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andresen U.S. Patent Number 6,073,020 in view of Dent U.S. Patent Number 6,868,270.

Re Claim 8, Andresen fails to explicitly teach the "the need to change the timer is detected from a separate parameter which is read from a database". However, Dent teaches in fig. 4, step 65 receives Satellite Identity Code. It is apparent to one skilled that satellite transmission is inherently effected by propagation delay. Furthermore, it is inherent that the dual mode mobile to have a memory/database to recognized the Satellite identity code. Hence, when the Terrestrial service is lost in step 65, the service is handoff to the satellite system, step 82. One skilled in the art would have been motivated by Dent to include "a separate parameter" in Andresen to enable dual mode mobile stations.

Re Claim 9, refer to Claim 8, wherein the Satellite Identify code is indicative of Satellite or not.

### ***Response to Arguments***

6. Applicant's arguments filed 11/28/05 have been fully considered but they are not persuasive.

Re Claims 1, 8, and 11, applicant argues that "system time" is not the same as "timer" as claimed. In particular Applicant argues, "a timer indicates relative times, such as a time elapsed since the transmission of a packet from a network element". However, this limitation is not claimed.

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Furthermore applicant argues "in response to a handover" means –after a handover- (See page 6, 2<sup>nd</sup> paragraph). Examiner disagrees. "response to a handover" does not explicitly mean "after a handover", as claimed, it does not require "after a handover".

Re Claim 7, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references

#### ***Allowable Subject Matter***

7. Claims 13-14 are allowed.
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent Number 5613205 teaches measuring propagation delay between mobile and base stations.

#### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI  
02/13/06

ANDREW C. LEE  
PRIMARY PATENT EXAMINER

